

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL ANDREW KITCHEN, #189265,)
Plaintiff,)
) No. 1:16-cv-190
-v-)
) HON. PAUL L. MALONEY
RICK SNYDER, ET AL.,)
Defendants.)
)

ORDER

This matter is before the Court on remand from the Sixth Circuit Court of Appeals following Plaintiff Michael Kitchen’s appeal of this Court’s order granting judgment in favor of Defendants, as well as Kitchen’s motion for relief from that same judgment (ECF No. 348).

The Sixth Circuit affirmed this Court’s dismissal of most claims and Defendants, leaving only Kitchen’s state law negligence and vicarious liability claims. *Kitchen v. Snyder*, No. 20-1936, slip op. at *10-11 (6th Cir. June 23, 2021). The Circuit remanded with instructions for the Court to consider these state law claims in light of *Gallivan v. United States*, 943 F.3d 291 (6th Cir. 2019), but noted that the Court may reassess the exercise of its supplemental jurisdiction on remand. *Id.* at *10. Kitchen’s motion for relief from judgment also asks the Court to consider his remaining claims in light of *Gallivan*. But given that there are only state law claims remaining, the Court declines to exercise its supplemental jurisdiction. 28 U.S.C. § 1367(c)(3). Accordingly,

IT IS HEREBY ORDERED that Kitchen's motion for relief from judgment (ECF No. 348) is **DENIED**.

IT IS FURTHER ORDERED that the remaining claims are **DISMISSED** without prejudice.

Judgment to follow.

IT IS SO ORDERED.

Date: August 25, 2021

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge